

September 23, 1999

**NONDISCRIMINATION IN FEDERALLY-CONDUCTED
AND FEDERALLY-ASSISTED (EXTERNAL) PROGRAMS**

1. PURPOSE: This Veterans Health Administration (VHA) Directive issues policy prohibiting discrimination in Federally-conducted and Federally-assisted programs and activities.

2. BACKGROUND: Equal opportunity laws and the Department of Veterans Affairs (VA) regulations prohibit discrimination based upon race, color, national origin, age, sex, or handicap. This applies to all programs or activities conducted by VHA. This policy establishes a civil rights administrative complaint procedure to process allegations of discrimination on the bases of race, color, national origin, age, sex, or handicap. A combination of procedures are modified as outlined in Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendment of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and VA Policy as outlined in Title 38 Code of Federal Regulations (CFR) Chapter 1, Part 15 and 38 CFR Chapter 1, Part 18.

3. POLICY: It is VHA internal policy that no one shall be subjected to any form of discrimination because of race, color, national origin, age, sex, or handicap in any and all VA programs, or in programs receiving VA funding, or in any VA program receiving Federal financial assistance.

4. ACTION: VHA management officials are to ensure that programs receiving Federal financial assistance, or Federally-conducted programs and activities under their respective jurisdictions, are in full compliance with all nondiscrimination mandates and agency regulations. They must ensure timely processing of all external civil rights and equal opportunity discrimination complaints, and must ensure that Equal Employment Opportunity and Affirmative Employment Specialists, or personnel at the field level, who have been designated equal opportunity responsibility, are performing this function timely and accurately. Finally, they are responsible for voluntary compliance in those programs under their jurisdiction. Specifically, key officials must:

a. Develop and maintain a civil rights and external equal opportunity compliance program that meets the requirements and procedures referenced in Paragraph 5 of this directive.

b. Issue local guidelines consistent with the requirements of this directive for Federally-conducted programs.

c. Assign sufficient resources to effectively carry out responsibilities under this directive.

d. Ensure that employees assigned responsibilities under this program are properly trained and have adequate time and assistance to carry out their responsibilities.

5. REFERENCES

a. Title 38 CFR Chapter 1, Part 15, Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Veterans Affairs.

THIS VHA DIRECTIVE EXPIRES SEPTEMBER 30, 2004

VHA DIRECTIVE 99-043

September 23, 1999

b. The Rehabilitation Act of 1973, Section 504.

c. Title 38 CFR Chapter 1, Part 18, Nondiscrimination in Federally-Assisted Programs of the Department of Veterans Affairs, Effectuation of Title VI of the Civil Rights Act of 1964, Subparts A, D, and E.

d. The Age Discrimination Act of 1975.

e. The Education Amendment of 1972, Title IX.

6. FOLLOW-UP RESPONSIBILITY: The Director, Management Support Office, EEO/Affirmative Employment Team (10A2E), is responsible for the contents of this Directive.

7. RESCISSIONS: None. This VHA Directive expires on September 30, 2004.

S/ by Melinda Murphy for
Thomas L. Garthwaite, M.D.
Acting Under Secretary for Health

DISTRIBUTION: CO E-mailed 9/24/99
 FLD: VISN, MA, DO, OC, OCRO, and 200 - FAX 9/24/99
 EX: Boxes 104, 88, 63, 60, 54, 52, 47 and 44 - FAX 9/24/99